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Use of 2003

Child Support Formula Manual Delayed

After consultation with the Chief Justice, and communication from various interested parties, the State Court Administrative Office (SCAO) has decided to postpone the effective date of the **2003 Michigan Child Support Formula Manual**.

The new formula had been scheduled to take effect on July 1, 2003. Because of SCAO's decision to postpone its implementation, anyone who has a copy of the 2003 Manual and Schedules Supplement should dispose of them immediately. The only changes that will now occur on July 1, 2003, will be to the consumer price index and poverty level for the 2001 Child Support Formula which currently is being used across the state.

Copies of the 2001 manual, the updated pages, and schedules can be found on the SCAO website at: <http://courts.michigan.gov/scao/services/focb/focb.htm>.

There were several reasons for the decision to postpone the new manual, but one was paramount. SCAO wanted the transition to a new formula to be as smooth as possible for the public, the courts, and lawyers. It was concluded that a satisfactory transition cannot be achieved while the courts are preoccupied with the difficult task of converting the entire state, by September 30, 2003, to the federally mandated computer system, the Michigan Child Support Enforcement System (MiCSES 2.4).

The next edition of the Child Support Formula Manual will be implemented through a new procedure. Proposed changes will be published before they are adopted. Comments will be invited from family court judges and referees, friend of the court offices, prosecutors, the private bar, and the public. Although SCAO and the Child Support Formula Subcommittee have always welcomed the views of interested persons and groups, there will be a more formal and more public process for inviting and receiving comment on proposed changes. The new procedure will provide this. Further details of the new procedure for adopting changes to the Child Support Formula Manual will be announced in the near future.

Currently, SCAO is working on the next edition of the manual. The effective date will be determined once the manual is completed.

Securing Child Support from Members of the Military and Retired Federal Employees

Recently the Federal Office of Child Support published, **“Working With The Military As An Employer, A Quick Guide 2002.”** To view this publication please go to: <http://www.acf.dhhs.gov/programs/cse/pol/im-03-03a.htm>. The publication provides useful information for child support agencies regarding locate services; employment verification; income withholding orders for military personnel; obtaining medical support from military; and questions about payments. The publication also provides information on how to secure child support from retired federal employees. The following is a summary of the information provided in the publication.

To collect child support from an active member of the military, a reservist, or an individual receiving a military pension or annuity forward the income withholding notice to:

DFAS Cleveland Center
DFAS-GAG/CL
P.O. Box 998002
Cleveland, OH 44199-8002

For assistance call (216) 522-5301.

To collect child support from an individual who is a retired federal employee, forward the income withholding notice to:

Office of Personnel Management
Court Ordered Benefits Branch
P.O. Box 17
Washington D.C. 20044-0017

You may fax the income withholding notice to: (202) 606-7958. For assistance call (202) 606-0222.

To collect child support from an individual who is a member of the Coast Guard forward the income withholding notice to:

Commanding Officer (LGL)
U.S. Coast Guard Pay and Personnel Center
Federal Building
444 SE Quincy Street
Topeka, KS 66683-3591

For assistance call (785) 339-3596. You may fax requests for employment verification and pay requests to (785) 339-3784.

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Securing Court Ordered Medical Coverage from Members of the Military

The Civilian Health and Medical Program of the Uniformed Services (known as TRICARE/CHAMPUS) is the military health care program. There is also the Defense Enrollment Eligibility Reporting System (DEERS). This system maintains information about military service personnel and dependents enrolled in the program.

Requirements for Medical Coverage: The child must be determined to be a military dependent and enrolled in DEERS.

Documents required for the child to become enrolled in DEERS:

- A court ordered paternity determination if the parents are not married.
- Birth Certificate.
- A court order for child support.

The custodial parent must present the appropriate documents to the verifying officer at the nearest military ID card-issuing facility. A custodial parent can enroll a child by mail by contacting a military installation that has a Real Time Automated Personal Identification Card System (RAPIDS). An individual may call (800) 538-9552 and inquire where the nearest site or military installation that has RAPIDS is located.

Once a child is enrolled in DEERS, that child is eligible to receive medical care from:

- Military hospitals and clinics.
- TRICARE, which is the cost share medical coverage with civilian providers.

For questions about TRICARE, please write or call:

TRICARE Management Activity (TMA)
Public Affairs Branch
Aurora, Colorado 80045-6900
(303) 361-1000/1129

Child support agencies may contact the following individual if there are questions regarding child support issues and the military:

Larry Holtz, Court and Military Liaison Officer
Office of Child Support Enforcement, 4th Floor
370 L'Enfant Promenade, SW
Washington, DC 20447
(202) 401-5376
Fax (202) 205-4342
lholtz@acf.hhs.gov

“At the end of Fiscal Year 2002, \$7,860,121 was collected from parents who were referred to the program.”

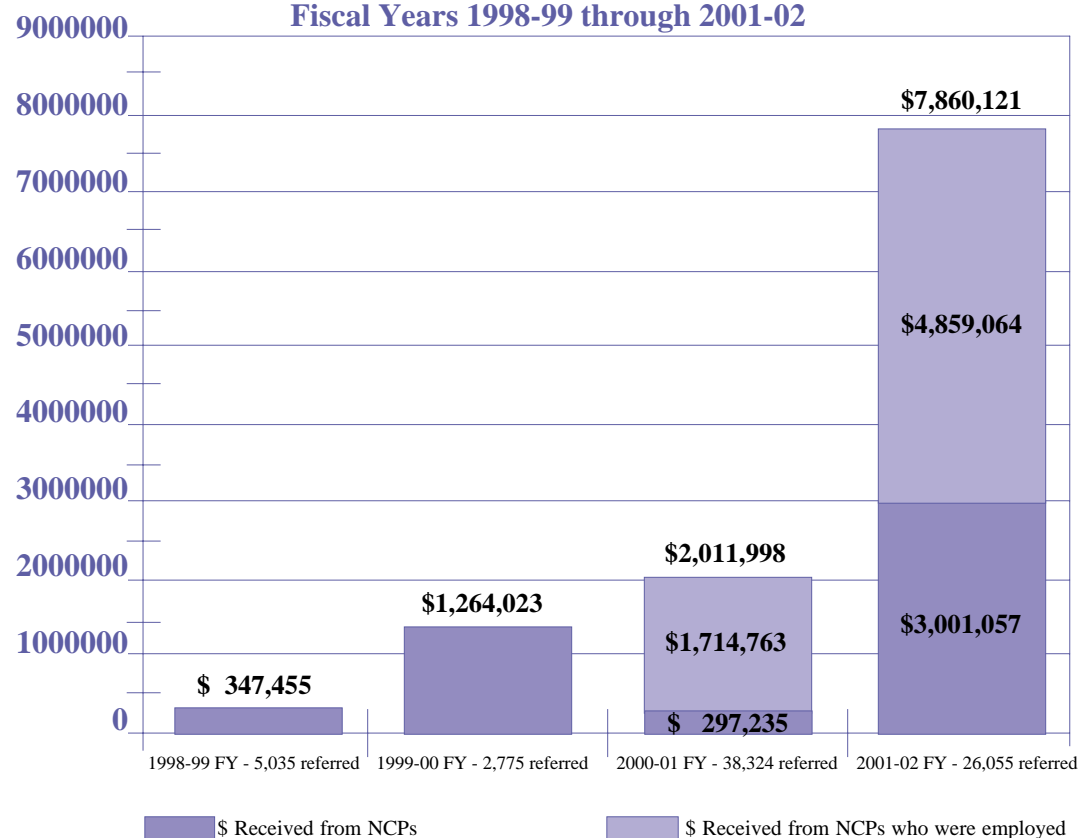
Work First Program Instrumental in Collecting Child Support in Michigan!

The **Non-Custodial Parent Work First Program** was established in 1998. This federally funded program has been very successful as a result of cooperation between the Michigan Family Independence Agency, Michigan Works! agencies, State Court Administrative Office, and friend of the court offices.

The primary goal of this program is to assist unemployed or underemployed non-custodial parents in securing employment that will enable them to meet their child support obligations. The “Work First” model focuses on a **full range** of employment-related services including job search assistance, job retention support, post-employment training, and related supportive services such as transportation allowances, uniforms, tools, and automobile repairs. Once the non-custodial parent secures employment, the Michigan Works! agency contacts the friend of the court office and an income withholding notice is forwarded to the payer’s employer.

Initially, the program only accepted non-custodial parents who had an arrearage and children with active TANF cases. The program has expanded to include payers who are underemployed or unemployed. As the chart below indicates, there were 5,035 referrals for Fiscal Year 1998. For Fiscal Year 2002, there were 26,055 referrals. Child support collected from payers in 1998 was \$347,455. At the end of Fiscal Year 2002, \$7,860,121 was collected from parents who were referred to the program.

**Support Collected from NCPs Program
Fiscal Years 1998-99 through 2001-02**



Cases in Brief

A Michigan Appeals Court decision may impact the practice of granting credits for child support accrued during the incarceration of a noncustodial parent.

In a Wayne County Circuit Court case, *Anjanette McLaughlin v Kevin Brian McLaughlin*, 255 Mich App_____ (235959, February 21, 2003), the defendant sought an incarceration credit of \$78,410.78 in child support arrears. The arrearage had accumulated while the defendant was in prison on a conviction for third degree criminal sexual conduct. The friend of the court did not recommend granting the credit. The trial court followed the recommendation of the friend of the court and reasoned that the support credit should be denied because the incarceration was due to a crime committed against the defendant's own child. The defendant appealed.

The Michigan Court of Appeals affirmed the lower court judgment but cited MCL 552.603(2) as the legal basis for its decision:

Except as otherwise provided in this section, a support order that is part of a judgment or is an order in a domestic relations matter is a judgment on and after the date the support amount is due as prescribed in section 5c, with the full force, effect, and attributes of a judgment of this state, and is not, on and after the date it is due, subject to retroactive modification. Retroactive modification of a support payment due under a support order is permissible with respect to a period during which there is pending a petition for modification, but only from the date that notice of the petition was given to the payer or recipient of support.

The court of appeals found it unnecessary to decide the issue of whether an incarceration credit should be given to a parent sexual perpetrator for time served in prison for crimes against the parent's own children because MCL 552.603(2) clearly prohibits retroactive modification of child support.

Capitol Corner

Since publication of the last Pundit three bills have been introduced in the Michigan Legislature. To view these and other bills see: <http://www.michiganlegislature.org/>.

House Bill 4105 was introduced on January 29, 2003 and referred to the Committee on Judiciary. The bill would amend the Child Custody Act by permitting greater opportunities for grandparents to seek grand parenting time. For example, the bill would allow a grandparent to file a motion for grand parenting time if the child's parent has lived separate and away from the other parent and grandchild for more than a year. The bill also offers friend of the court mediation for parties involved in a grand parenting time dispute. Under this bill, a grandparent could only file one motion every two years, absent a showing of good cause.

House Bill 4120 was introduced on January 30, 2003 and referred to the Committee on Judiciary. The bill would amend the Support and Parenting Time Enforcement Act. The bill would allow an individual, who has been ordered to pay child support, to file a motion asking for the child, mother, and father to submit to genetic tests. If the tests excluded the man as the father, the court would be required to terminate the child support order.

Senate Bill 148 was introduced on February 6, 2003 and referred to the Committee on Judiciary. The bill would create the "Court Appointed Special Advocate Act." Under the bill, a judge or referee may appoint a Court Appointed Special Advocate (CASA) volunteer in an action brought in the family division of circuit court when, in the opinion of the judge or referee, a child who may be affected by the action requires services that a CASA volunteer can provide. The court would appoint a CASA volunteer at the earliest stages of an action under a court order and gives the CASA volunteer the authority to review relevant documents and interview parties involved in the case, including parents, other parties in interest, and other persons having significant information relating to the child. The same bill was introduced in the House on February 11, 2003 and referred to the Committee on Judiciary.

FYI

Reminder about reports: Friends of the court should be recording grievances electronically. Grievance records for 2003, which are due July 15, 2003, and January 15, 2004, must be submitted to the Friend of the Court Bureau electronically by e-mail or disk. The reports can be submitted in WordPerfect or Excel programs. SCAO-41 Friend of the Court Statistical Reports were due February 15, 2003. If your office has not submitted the statistical report, please do so as soon as possible. Effective dates of laws that impact the friends of the court and courts:

Public Act 564 of 2002 amended the Office of Child Support Act. **Effective April 1, 2003** the Office of Child Support may initiate centralized enforcement activities for cases with a twelve month arrearage or cases with a six month arrearage when the

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payee has requested centralized enforcement. The centralized enforcement may include, but not limited to the following:

- Enforcement remedies under the Support and Parenting Time Enforcement Act.
- Contracting with a private or public collection agency.
- Contracting with a private or public locator service.
- Publishing a delinquent payer's name.
- Local or regional agreements with a law enforcement or prosecutor.

Public Act 570 of 2002 amended the Support and Parenting Time Enforcement Act. **Effective June 1, 2003**, the friend of the court may change the payee of support when the child covered by the order is residing with a person who is not the named recipient of support. The bill would permit the friend of the court to abate support when the child lives with the person who pays support. The redirection or abatement would not occur until 21 days after the friend of the court has notified each party of the proposed action. If an objection is filed, no abatement or redirection will occur.

Public Act 571 of 2002 amended the Support and Parenting Time Enforcement Act. **Effective June 1, 2003**, the friend of the court office shall not enforce an arrearage if:

- Less than one month has passed since the payer has been served with an ex parte order and the friend of the court has not received a proof of service of the order.
- Payments are being made by income withholding.
- The income withholding is not effective, but payments are being made.
- One or more support enforcement measures have been initiated and an objection to one or more of those measures has not been resolved.

Welcome Elizabeth Krumbach: Elizabeth Krumbach joined the State Court Administrative Office in October of 2002 in a position with Judicial Information Systems. On March 31, 2003, she assumed the position of Forms and Manuals Analyst previously held by Ms. Amy Byrd who retired January 31, but who has been rehired temporarily to train Ms. Krumbach.

Ms. Krumbach comes to us with a Bachelor's Degree in Paralegal Studies and a Master's Degree in Administration, both earned from Eastern Michigan University. Her work experience includes four years as a paralegal for an Ann Arbor law firm specializing in plaintiff medical malpractice and personal injury litigation, one year with the 6th Circuit Court as a judicial clerk, and nearly four years with the 46th District Court as a judicial clerk.

Ms. Krumbach will be marrying in early May, so you will see future references to her as Elizabeth Rogatski! Please join us in welcoming her.